

Case No. 4:18-CV-01062

For the Matter in the Interest of:

MONICA HARDAWAY,
GLENN HARDAWAY
Plaintiffs

v

Deutsche Bank National Trust Company §
as Trustee, for Registered Holders of §
Long Beach Mortgage Loan Trust 2006- §
WL1, Asset-Backed Certificates, Series §
2006-WL1, and SELECT PORTFOLIO §
SERVICING, INC. §
Defendants in Error §

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

CASE NO: 4:18-CV-01062

MOTION FOR INTERROGATORIES, ET AL

United States Court
Southern District of Texas
FILED

JUL 30 2018

David J. Bradley, Clerk of C

**MOTION FOR INTERROGATORIES, DISCOVERY
AND PRODUCTION OF DOCUMENTS UNDER LEVEL 2;
QUALIFIED WRITTEN REQUEST; FOIA REQUEST**

I. DISCOVERY

Discovery in this case is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II. COMPLAINANT'S INTERROGATORIES

Complainant, Monica R. Hardaway a Naturalized Mexican lawfully admitted in to the United States and Glenn Hardaway a United States citizen, pro se, request that Select Portfolio Services, Inc., and Deutsche Bank National Trust Company, as Trustee, of Long Beach Mortgage Loan Trust 2006-WL1, Asset-Backed Certificates, Series 2006-WL1 ("Bank") respond to the following interrogatories. You are required to answer these interrogatories separately and fully in writing, under oath. You are required to respond to these interrogatories no later than thirty (30) calendar days after receipt of these interrogatories, to the undersigned.

III. INSTRUCTIONS

A. Each Interrogatory is to be answered fully on the basis of information which is in your possession.

B. In each of your answers to these Interrogatories, you are requested to

provide not only such information as is in your possession, but also information as is reasonably available. In the event that you are able to provide only part of the information called for by any particular Interrogatory, please provide all the information you are able to provide and state the reason for your inability to provide the remainder.

C. If you object to or otherwise decline to answer any portion of an Interrogatory, please provide all information called for by that portion of the Interrogatory to which you do not object or to which you do not decline to answer. For those portions of an Interrogatory to which you object or to which you do not decline to answer, state the reason for such objection or declination.

D. Every Interrogatory herein shall be deemed a continuing interrogatory and information in addition to or in any way inconsistent with your initial answer to such Interrogatory.

E. If any of the following Interrogatories can be answered fully and completely simply by referring to an exhibit number, page, and paragraph of the investigative file compiled by the Agency and furnished to the Complainant by the Agency in connection with this administrative complaint of discrimination, such references, if adequately identified to inform the Complainant as to your response will serve as a satisfactory response to such Interrogatory.

IV. DEFINITIONS

A. "Complainant" means Monica R. Hardaway and Glenn Hardaway (jointly and severally)

B. "Bank," "you," "your," or "yourself," means the US BANK NATIONAL ASSOCIATION, and any without limitation, affiliates, contractual parties, litigants, successors, assigns in this case, and any and all of its agents, representatives, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other persons or entities acting or purporting to act on behalf of the agency.

C. "Person", "persons," "people", and "individual" means any natural person, together with all federal, state, county, municipal and other government units, agencies or public bodies, as well as firms, companies, corporations, partnerships, proprietorships, joint ventures, organizations, groups of natural persons or other associations or entities separately identifiable whether or not such associations or entities have a separate legal existence in their own right.

D. "Document," "documents," and "writing" means all records, papers, and books, transcriptions, pictures, drawings or diagrams or every nature, whether transcribed by hand or by some mechanical, electronic, photographic or other means, as well as sound reproductions of oral statements or conversations by whatever means made, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection

with such writing, whether used or not, including by way of illustration and not by way of limitation, the following; books; records; reports; contracts; agreements; expense accounts; canceled checks; catalogues; price lists; video, audio and other electronic recordings; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads; scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail; facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards; letters; telegrams; publications; inter- and intra- office communications; photostats; photographs; microfilm; maps; drawings; diagrams; sketches; analyses; electromagnetic records; transcripts; and any other documents within defendant's possession, custody or control from which information can be obtained or translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English prose.

E. "Communication" or "communications" means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, notes telegrams, facsimiles, electronic mail, memoranda, or other forms of communications, including but not limited to both oral and written communications.

F. "Produce" and "provide" mean to provide either a legible true copy of the original or any document and/or communication.

G. "Relate to," "relating to," "concerning," "pertain," and "pertaining to," mean consisting of, referring to, reflecting or arising out of, evidencing or in any way legally, logically, or factually connected with the matter discussed, directly or indirectly.

H. "Identify," "identifying," and "identification" when referring to a person mean to provide an identification sufficient t notice a deposition of such person and to serve such person with process to require his or her attendance at a place of examination and shall include, without limitation, his or her full name, present or last known address, present or last known business affiliation, home and business telephone number, title or occupation, each of his or her positions during the applicable period of time covered by any answer referring to such person and relationship, if any, to the agency.

I. "Identify," "identifying," and "identification" when used in reference to a writing or document mean to give a sufficient characterization of such writing or document to properly identify it in a request to produce and shall include, without limitation, the following information with respect to teach such document:

1. The date appearing on such document, and if it has no date, the answer shall so state and shall give the date or approximate date such document was prepared;
2. The identity or descriptive code number, file number, title or label of such document;
3. The general nature and description of such document, and if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;
4. The names of the person(s) to whom such document was addressed and the name of each person other than such addressee to whom such document or copies of it, were

given or sent;

5. The name(s) of the person(s) having present possession, custody, or control of such document(s); and
6. Whether or not any draft, copy or reproduction of such document contains any postscripts, notations, changes or addendum not appearing on the document itself and if so, the answer shall give the description of each such draft, copy or reproduction.

In answering these interrogatories, the agency is requested to furnish not only such information as is available to the agency but also such information as is known to any of the agency's agents, representatives, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other person or entity acting or purporting to act on behalf of the agency.

In any matter, responsive to any of the interrogatories the agency shall set forth completely the grounds for the asserted privilege, along with copies of the Privacy Act provisions or other written materials upon which such assertion is made. The agency shall identify as to each privileged communication or document:

1. its date;
2. its author(s);
3. the business title or position of its author(s);
4. its recipient(s);
5. the business title or position of its recipient(s);
6. its number of pages;
7. its stated subject matter;
8. the legal basis upon which the agency claims privilege;
9. the specific portion of the interrogatory or document to which the communication or document is responsive.

Documents are to be labeled to indicate the interrogatory to which they respond. In order to simplify the issues and resolve as many matters of fact as possible before hearing, if, following a reasonable and thorough investigation using due diligence, you are unable to answer any interrogatory, or any part thereof, in full, because sufficient information is not available to you, answer the interrogatory to the maximum extent possible, including any knowledge or belief you have concerning the unanswered portion thereof and the facts upon which such knowledge or belief is based. In addition, state what you did to locate the missing information and why that information is not available to you.

When an exact answer to an interrogatory is not known, state the best estimate available, state that it is an estimate, and state the basis for such estimate.

If documents once in your possession or under your control are requested or are the subject of an interrogatory, and such documents are no longer in your possession or under

your control, state when such documents were must recently in your possession or under your control, and what disposition was made of them, including identification of the person now in possession of or exercising control over such documents. If the documents were destroyed, state when and where they were destroyed, and identify the person or persons who directed their destruction.

All of the following interrogatories shall be continuing in nature until the date of the hearing, and you must supplement your answers as additional information becomes known or available to you.

NOTE

If any interrogatory or request is objectionable, please call counsel for the complainant before objecting, in order to attempt to narrow the question or avoid the objectionable portion or aspect.

Identify all documents associated with each interrogatory.

V. COMPLAINANTS' INTERROGATORIES

1. Identify all persons answering or supplying information used in answering these Interrogatories.
2. State the name, address, and business telephone number of each person with personal knowledge regarding the facts and circumstances surrounding the happenings of the occurrences referred to in the complaint.
3. State and describe in detail all evidence including documents, affidavits upon which you intend to rely, or submit at the hearing.
4. Describe the selection process in step by step detail as to how members of the Association are evaluated and selected for foreclosure.
5. Explain fully the safeguards used, if any, employed and put into place by the Bank in re the selection for the purpose of foreclosure to protect against possible or potential bias or discriminatory actions prohibited by law in the foreclosure process.

VI. DOCUMENTS TO BE PRODUCED

REQUEST NO. 1: Copies of all assignments, allonges, endorsements and transfers or delivery receipts from the original lender to the Plaintiff.

REQUEST NO. 2: Copy of the canceled check showing the bank wrote a check to buy the house or property for the borrower.

REQUEST NO. 3: Life of loan transaction history

REQUEST NO. 4: The original Note.

REQUEST NO. 5: The servicing agreement between plaintiff and the servicer of the loan

REQUEST NO. 6: Please produce documents evidencing who is in possession of the original note on the date the lawsuit was filed.

REQUEST NO. 7: Please produce documents evidencing that the endorsements to the promissory note were executed prior to the filing of the original Complaint.

REQUEST NO. 8: A copy of the MERS milestone report for the subject Mortgage.

REQUEST NO. 9: The retainer agreement between plaintiff and its' attorney.

REQUEST NO. 10: Documents indicating that Select Portfolio Services Inc., and Deutsche Bank National Trust Company, as Trustee, of Long Beach Mortgage Loan Trust 2006-WL1, Asset-Backed Certificates, Series 2006-WL1 are authorized to act for the Defendant.

REQUEST NO. 11: Please produce documents evidencing who was in possession of the original note endorsed in blank on the date the lawsuit was filed.

REQUEST NO. 12: Plaintiff claims in the Complaint that has fulfilled all the conditions precedent prior to acceleration of the loan. Please provide all documentation supporting this claim.

REQUEST NO. 13: Please produce the payment history for the subject loan.

REQUEST NO. 14: Please produce the Bailee letter.

REQUEST NO. 15: Please produce the Custodial file.

REQUEST NO. 16: Please produce the routing history of the original Note.

REQUEST NO. 17: Please produce the letter from FHA authorizing the Foreclosure.

REQUEST NO. 18: Please produce the Credit Alert Interactive Voice Response System, "CAVIRS" Report, showing claims paid on direct or guaranteed federal loans with respects to this alleged loan.

REQUEST NO. 19: Please produce the SSA – 445 filed and accepted by the Social Security Administration and all/any UCC and/or Non-UCC claims, be them adversarial or otherwise.

REQUEST NO. 20: Please produce the 1099 OID filed with respects to this matter and what specific IRS Department files Tax documents regarding Financial Institutions.

VII. QUALIFIED WRITTEN REQUEST /FOIA REQUEST

Please produce a certified copy of the composite and comprehensive accounting for the associated loan, this would include but not limited to every single transaction done on this account along with a true copy of the contractual agreement. I believe that there is fraudulent accounting

activates done and I do not agree with your accounting ledger, accounting statement, and/or accounting history and require a certified copy from an actual financial officer of your corporation documenting the accuracy of the accounting.

You're servicing of the loan documents mortgage default insurance, Please produce the name of the securitization trustee, their address, the account number associated with this matter, and CUSIP number, the ticker number for this security, as I have interest that is due me and I have never received any compensation. Please note that per the law I am the trust interest holder (TIH) and as the trust interest holder I place you on continuing notice that interest is accumulating for every single day that I go without receiving a payment in this regards.

Also your servicing of the loan documents mortgage default insurance, I need not only to know who the mortgage default insurance carrier is, but if you have applied for the mortgage default. I am the grantor of the trust agreement, and I do hereby direct you since you have documented a default WITH REFERENCE THIS ACCOUNT/MATTER, to apply for the mortgage default insurance that will be my Tendering of payment with respects to the alleged debt.

I need to know who the mortgage default insurance carrier is; you are to provide that information, their address, the account number and other relevant information regarding this account and that default insurance carrier's claim form.

Please note that I'm putting forth my adverse possession claim of the property and I am placing you on notice at this time.

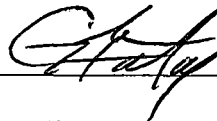
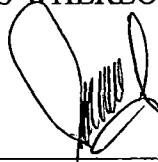
Please note that this particular part of the document is to be construed as FOIA Request and a Qualified Written Notice Request, A Disputed Debt NOTICE among other things, and you are to respond with the scope of the associated stated reference, statute as well as federal laws.

You have not shown proof of standing, you must provide proof of standing since this was an FHA loan either made thru HUD or thru FHA directly or indirectly you must secure a letter of authorization from the secretary of the FHA before you can proceed with foreclosure proceedings, including but not limited to a file 1066 REMIC Tax Return showing the election to treat the property as a foreclosure property, and/or Debt Collection, I demand that you produce that letter immediately, until such time you are to cease and desist any and all servicing of this loan since the inception of the original closing date as all of your actions have been without jurisdiction, authority and/or discretion. Note: your authorization authorizing you to begin foreclosure proceedings via the FHA and or HUD must be certified and be dated prior to the date of any debt collection attempts, for you may be guilty of constructive fraud. I hereby place this affidavit on the record and I do hereby grant authorization for your agency to secure and all valid payments through the United States Treasury Department routing number 000000518 account number [REDACTED], and or may contact SSA notifying them along with this authorization letter, and ask they pass the payment through Social Security routing number 655060042 account number [REDACTED]. Remember that either the treasury or the Social Security account in my name must carry with it this authentication if they should ask for such authorization, and both are backed by the full faith and credit of the United States of America via THE FULL FAITH AND CREDIT CLAUSE.

By law you have 60 days to provide the information being requested, however per statute you are not permitted to move one step further in debt collection proceedings without validating this debt, and providing the servicing information requested above.

I would also formally request more detailed information about your claim in magnanimous detail with respects to this matter. So send to me a Bill of Particulars including your errors and omissions carrier and a certified copy of your bond so I may use it to indemnify me upon damages and injury thru involuntary bankruptcy action, along with your list of assets to be seized at litigation.

SWORN TO and subscribed on and IN WITNESS WHEREOF this 20th day of JULY 2018.



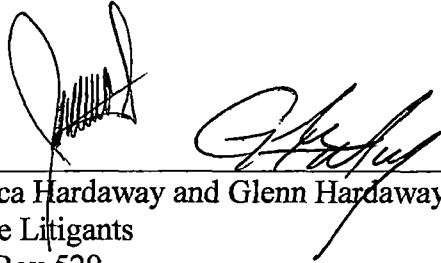
By:

Monica Hardaway & Glenn Hardaway
P.O. BOX 596
Richmond, TX 77406
(832) 708-5321

CERTIFICATE OF SERVICE

We hereby certify that we have this day served Defendant Deutsche Bank National Trust Company as Trustee in Trust for Registered Holders of Long Beach Mortgage Loan Trust 2006-WL1, Asset-Backed Certificates, Series 2006-WL1, and SELECT PORTFOLIO SERVICING, INC., a copy of this motion electronically and/ or by US Mail to:

Kurt Lance Krolikowski
Locke Lord
2800 JPMorgan Chase Tower
600 Travis
Houston, TX 77002
Telephone: 713-226-1200 Fax: 713-223-3717
kkrolikowski@lockelord.com

The block contains two handwritten signatures in black ink. The signature on the left is more stylized and compact, while the signature on the right is more elongated and cursive. Both signatures are positioned above a horizontal line that spans the width of the text block below.

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